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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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20575	7590	10/05/2005	EXAMINER	
MARGER JOHNSON & MCCOLLOM, P.C. 210 SW MORRISON STREET, SUITE 400 PORTLAND, OR 97204			HAN, CLEMENCE S	
			ART UNIT	PAPER NUMBER
			2665	

DATE MAILED: 10/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/703,296

Applicant(s)

BLAIR, DANA LYNN

Examiner

Clemence Han

Art Unit

2665

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 July 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawings are objected to because there is a hanging “10” after “PSTN CALL” in step 22 of Figure 2. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

2. Claim 6 and 17 are objected to because of the following informalities:

Several discrepancies between the claimed limitations and the specifications are found and understood as typographical errors.

Regarding to claim 6, “a rejection signal generated by the origination phone” is understood as “a rejection signal generated by the destination phone” and “the destination phone in response to the rejection signal;” is understood as “the origination phone in response to the rejection signal;”.

Regarding to claim 17, “a rejection signal generated by the origination phone;” is understood as “a rejection signal generated by the destination phone;”

Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claim 14 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the

application was filed, had possession of the claimed invention. The specification teaches placing a call to a network service provider from the destination phone after the destination phone sending the rejection signal not “in response to the rejection signal” and determining a network address for the origination phone.

Claim Rejections - 35 USC § 102

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
6. Claim 11-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Vaziri et al. (WO 98/37665).

Regarding to claim 11, Vaziri teaches a network phone, comprising: a phone connector operable to connect to a public switched telephone network 406; a transmitter 2B15 operable to transmit signals corresponding to a phone number for a call destination and a call identifier identifying the other station as capable of connecting over a data network (Page 15 Line 3-6); a detector 2B15 operable to receive an incoming call from another station and detect supplementary signals associated with that call including a call identifier identifying the other station as capable of connecting over a data network (Page 15 Line 3-6); a processor operable to generate and transmit a rejection signal to the other station 506, 510, 606 (Page 24 Line 9-10 and 17-18); place a public switched telephone network call

to a service provider in response to the supplementary signals 510; detect a network address for the other station 516; and complete a network call between the network phone and the other station 520.

Regarding to claim 12, Vaziri teaches the network phone as a personal computer 1304 (Page 42 Line 17).

Regarding to claim 13, Vaziri teaches the network phone as a customized telephone (Page 6 Line 8).

Regarding to claim 14, Vaziri teaches receiving a public switched telephone network call from an origination phone at a destination phone 504; identifying a caller identifier for the public switched telephone network call 610 at the destination phone as a call capable of being completed over a data network (Page 15 Line 3-6); rejecting the public switched transmission call prior to call completion by transmission of a rejection signal generated by the destination phone to the origination phone 506, 510, 606 (Page 24 Line 9-10 and 17-18); placing a call to a network service provider from the destination phone 510; determining a network address for the origination phone 516; and completing a network call with the origination phone 520.

Regarding to claim 15, Vaziri teaches the software code executed by a personal computer 1304 equipped to place public switched telephone network calls (Page 42 Line 17).

Regarding to claim 16, Vaziri teaches the software code executed by a customized telephone (Page 6 Line 8).

Regarding to claim 17, Vaziri teaches placing a public switched telephone network call from an origination phone to a destination phone 502; detecting a rejected call from the destination phone at the origination phone prior to call completion by detecting a rejection signal generated by the destination phone 506, 510, 606 (Page 24 Line 9-10 and 17-18); placing a call to a network service provider from the origination phone in response to the rejection signal 508; determining a network address for the destination phone 516; and completing a network call with the destination phone 520.

Regarding to claim 18, Vaziri teaches the software code executed by a personal computer 1304 equipped to place public switched telephone network calls (Page 42 Line 17).

Regarding to claim 19, Vaziri teaches the software code executed by a customized telephone (Page 6 Line 8).

Regarding to claim 20, Vaziri teaches a network phone, comprising: a means 406 for connecting to a public switched telephone network; a means 2B15 for transmitting signals corresponding to a phone number for a call destination and a call identifier identifying the call as being capable of being connected over a data network (Page 15 Line 3-6), a means 2B15 for receiving an incoming call from another station and detect supplementary signals associated with that call including a call identifier identifying the call as being capable of being connected over a data network (Page 15 Line 3-6); a means for transmitting a rejection signal to the other station 506, 510, 606 (Page 24 Line 9-10 and 17-18); a means 2B03 for placing a public switched telephone network call to a service provider in response to the supplementary signals 510; a means 2B03 for detecting a network address for the other station 516; and a means 2B03 for completing a network call between the network phone and the other station 520.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vaziri et al. in view of Hon (US 6,763,020).

Regarding to claim 1, Vaziri teaches a method for converting a public switched telephone network call to a data network call, the method comprising: receiving the public switched telephone network call from an origination phone at a destination phone 504; identifying a caller identifier for the public switched telephone network call at the destination phone as the identifier of a call capable of connecting over a data network (Page 15 Line 3-6); rejecting the public switched transmission call by transmitting a signal generated by the destination phone to the origination phone 506, 510, 606 (Page 24 Line 9-10 and 17-18); placing a call to a network service provider from the destination phone 510; determining a network address for the origination phone 516; and completing a network call with the origination phone 520. Vaziri, however, does not teach rejecting the public switched transmission call prior to alerting a user at the destination phone. Hon teaches rejecting the public switched transmission call prior to alerting a user at the destination phone 224 (Column 5 Line 28-29). It would have been obvious to one skilled in the art to modify Vaziri to reject the public switched transmission call prior to alerting a user at the destination phone as taught by Hon in order to save telephone call charge (Column 5 Line 29-32).

Regarding to claim 2, Vaziri teaches the destination phone as a personal computer 1304 (Page 42 Line 17).

Regarding to claim 3, Vaziri teaches the destination phone as a customized telephone (Page 6 Line 8).

Regarding to claim 4, Vaziri teaches the call to the network service provider 706 made via PSTN 702.

Regarding to claim 5, Vaziri teaches the call to the network service provider made via a local area network (Page 44 Line 1-2).

Regarding to claim 6, Vaziri teaches a method for converting a public switched telephone network call to a data network call, the method comprising: placing a public switched telephone network call from an origination phone to a destination phone 502 such that the call includes a caller identifier identifying the origination phone as capable of connecting over a data network (Page 15 Line 3-6); detecting a rejected call from the destination phone at the origination phone by detecting a rejection signal generated by the destination phone 506, 510, 606 (Page 24 Line 9-10 and 17-18); placing a call to a network service provider from the origination phone in response to the rejection signal 508; determining a network address for the destination phone 516; and completing a network call with the destination phone 520. Vaziri, however, does not teach detecting a rejected call

prior to alerting a user at the destination phone. Hon teaches detecting a rejected call prior to alerting a user at the destination phone 224 (Column 5 Line 28-29). It would have been obvious to one skilled in the art to modify Vaziri to reject the public switched transmission call prior to alerting a user at the destination phone as taught by Hon in order to save telephone call charge (Column 5 Line 29-32).

Regarding to claim 7, Vaziri teaches the origination phone as a personal computer 1304 (Page 42 Line 17).

Regarding to claim 8 Vaziri teaches the origination phone as a customized telephone (Page 6 Line 8).

Regarding to claim 9, Vaziri teaches the call to the network service provider 706 made via PSTN 702.

Regarding to claim 10, Vaziri teaches the call to the network service provider made via a local area network (Page 44 Line 1-2).

Response to Arguments

9. Applicant's arguments with respect to claim 1-10 have been considered but are moot in view of the new ground(s) of rejection.

10. Applicant's arguments filed on July 19, 2005 have been fully considered but they are not persuasive.

In response to page 8, the applicant argues that Vaziri does not teach the destination phone being capable of identifying the call as being capable of being connected over a data network. Vaziri teaches an ISB capable of identifying the call as being capable of being connected over a data network (Page 15 Line 3-6). The applicant further argues that Vaziri does not teach the destination phone generating the rejection signal. By hanging up the phone, ISB/the destination phone is sending the rejection signal in terms of the hanging up tone (Page 24 Line 9-10 and 17-18). The applicant also states that the term call completion has been more clearly defined in order to overcome the confusion. However, the examiner notices that only claim 1 and 6 are amended accordingly.

Conclusion

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened

statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents are cited to further show the state of the art with respect to the invention in general.

U.S. Patent 6,424,647 to Ng et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clemence Han whose telephone number is (571) 272-3158. The examiner can normally be reached on Monday-Thursday 7 - 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu can be reached on (571) 272-3155. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

C. H.
Clemence Han
Examiner
Art Unit 2665


STEVEN NGUYEN
PRIMARY EXAMINER